

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

948 CRIMINAL WRIT PETITION NO.1022 OF 2023

MADHAV SHANKAR DALVI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Sachin S. Kotkar
APP for Respondent – State : Ms. R.P. Gour
...

CORAM : R. M. JOSHI, J.
DATE : AUGUST 1, 2023

PER COURT :

. When this Court has expressed *prima facie* opinion that CT Scan Report sought to be produced on record was not part of the charge-sheet and unless the said document is duly proved, it may not be open for the Trial Court to add offence punishable under Section 326 of the Indian Penal Code to the case.

2. Perusal of the order passed by the learned Trial Court shows that a CT Scan Report sought to be relied by the informant was photo copy. On expressing this view, the learned counsel for applicant seeks leave to withdraw the application with liberty to raise the issue before the Trial Court at appropriate stage.

3. Leave granted. Petition stands dismissed as withdrawn with liberty as prayed for.

[R. M. JOSHI]
JUDGE

GGP